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11 Attorneys for Plaintiff JENS ERIK SORENSEN,
as Trustee of SORENSEN RESEARCH AND
12 DEVELOPMENT TRUST

13
14 UNITED STATES DISTRICT COURT
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
16

17 JENS ERIK SORENSEN, as Trustee of) Case No. 08cv00071 BTM CAB
18 SORENSEN RESEARCH AND)
19 DEVELOPMENT TRUST,)
Plaintiff)
v.)
SESCO PRODUCTS, INC., an Ohio)
corporation; and DOES 1 – 100,)
Defendants.)
and related counterclaims.)

) **NOTICE OF MOTION AND**
)
PLAINTIFF'S MOTION FOR
)
EXCEPTION TO STAY TO
)
PRESERVE EVIDENCE
)

) Date: August 8, 2008
)
Time: 11:00 a.m.
) Courtroom 15 – 5th Floor
)
The Hon. Barry T. Moskowitz
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) *Oral Argument Has Been Respectfully
Requested by Plaintiff*

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD

2 PLEASE TAKE NOTICE that on August 8, 2008, at 11:00 a.m. or as soon
3 thereafter as this matter may be heard before the Honorable Barry T. Moskowitz,
4 Plaintiff Jens Erik Sorensen, as Trustee of Sorensen Research & Development Trust,
5 will move and hereby does move this Court for an order granting Plaintiff's Motion
6 for Exception to Stay to Preserve Evidence.

7 This motion is made on the following grounds:

8 1. Plaintiff believes the preservation of evidence is necessary and that
9 delay until completion of the '184 patent reexamination creates the risk of loss of
10 evidence;

11 2. Defendants are unwilling to informally agree to the relief requested.

12 DATED this Monday, June 09, 2008.

13
14 JENS ERIK SORENSEN, as Trustee of
15 SORENSEN RESEARCH AND DEVELOPMENT
16 TRUST, Plaintiff

17
18 /s/ Melody A. Kramer
19 _____
20 Melody A. Kramer, Esq.
J. Michael Kaler, Esq.
Attorneys for Plaintiff

PROOF OF SERVICE

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Monday, June 09, 2008, I served the following documents:

**NOTICE OF MOTION AND PLAINTIFF'S MOTION FOR EXCEPTION TO
STAY TO PRESERVE EVIDENCE**

PLAINTIFF'S MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT
OF MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE

DECLARATION OF MELODY A. KRAMER IN SUPPORT OF PLAINTIFF'S
MOTION FOR EXCEPTION TO STAY TO PRESERVE PHYSICAL EVIDENCE

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Roger G. Perkins, Esq rperkins@mpplaw.com MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101	Senco Products, Inc.	Email - Pleadings Filed with the Court via ECF
Angela Kim akim@mpplaw.com MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101	Senco Products, Inc.	Email - Pleadings Filed with the Court via ECF
Robert S. Mallin Brinks Hofer Gilson & Lione NBC Tower 455 N City Front Plaza Drive Suite 3600 Chicago, IL 60611 rmallin@brinkshofer.com	Senco Products, Inc.	Email - Pleadings Filed with the Court via ECF

(Personal Service) I caused to be personally served in a sealed envelope hand-delivered

1 to the office of counsel during regular business hours.

- 2 (Federal Express) I deposited or caused to be deposited today with Federal Express in a
3 sealed envelope containing a true copy of the foregoing documents with fees fully
4 prepaid addressed to the above noted addressee for overnight delivery.
- 5 (Facsimile) I caused a true copy of the foregoing documents to be transmitted by
6 facsimile machine to the above noted addressees. The facsimile transmissions were
7 reported as complete and without error.
- 8 (Email) I emailed a true copy of the foregoing documents to an email address
9 represented to be the correct email address for the above noted addressee.
- 10 (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed
11 this document via the CM/ECF system for the United States District Court for the
12 Southern District of California.
- 13 (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address
14 represented to be the correct mail address for the above noted addressee.

15
16 I declare that the foregoing is true and correct, and that this declaration was executed on
17 Monday, June 09, 2008, in San Diego, California.
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/s/ Melody A. Kramer

Melody A. Kramer